

**IN THE COURT OF APPEAL OF THE DEMOCRATIC SOCIALIST
REPUBLIC OF SRI LANKA.**

In the matter of an Application for a
Mandate in the nature of Writ of
Mandamus under Article 140 of the
Constitution of the Democratic Socialist
Republic of Sri Lanka.

CA (Writ) Application No. **451/09**

1. Kumarage Don Premadasa
2. Kumarage Don Jayantha,

Both of No. 1062,
Kumaragewatta,
Talangama South

Petitioners

-Vs-

1. Divisional Secretary,
Divisional Secretary's Office,
Colombo.
2. R.H.Kanmaratne,
Acquiring Officer of Land in the
Colombo District and Director, Lands
Third Floor,
Sethsiripaya,
Battaramulla.
3. The Attorney General,
Attorney General's Department,
Colombo 12.

Respondents

C.A. Writ Application No. 451/09

Before : **Rohini Marasinghe, J.**

Counsel : D.M.G.Dissanayake for the Petitioner.
Anusha Samaranyake SSC for Respondents

Argued &

Decided on : 22.06.12

Rohini Marasinghe,

Heard submissions of both Counsel.

The case of the Petitioners is summarized as follows:--

The Petitioner claimed that they are the co-owners of Lots 17, 20 and 26 depicted in Plan No.7710.

The 2nd Respondent made a determination under Section 10(1)(a) of the Land Acquisition Act, on 16.10.2008 (P5).

The Petitioner, within the time specified under the Act made an application in terms of Section n 10(1)(b) of the Land Acquisition Act to have the dispute referred to the relevant District Court.(PP6(a) and P6(b).

By the documents marked as P 11, the respondents refused the application of the Petitioner. The petitioner has moved by way of Writ to have the said determination quashed, and also to compel Respondent to comply with Section 10(1)(b).

I am of the view that the Petitioners are entitled to the relief prayed for in the petition.

I issue writ of mandamus compelling the incumbent 2nd Respondent to act in terms of Section 10 of the Land Acquisition Act and refer the dispute to the relevant District Court.

The application of the Petitioners is allowed.

Counsel for the Respondents agree to abide by any decision made by this Court in this regard.

Application of the Petitioners is allowed.

Proceedings are terminated.

JUDGE OF THE COURT OF APPEAL

KLP/-